

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

AUGUSTUS GARLICK,)
)
Plaintiff,)
)
-vs-) Case No. CIV-23-209-F
)
PF LAWTON SNF OPS, LLC,)
STONEGATE SENIOR LIVING,)
LLC, SANCTUARY LTC, LLC, and)
PRESERVATION FREEHOLD)
COMPANY,)
)
Defendants.)

ORDER

On March 7, 2023, the court entered an order (doc. no. 4) directing plaintiff Augustus Garlick, the party invoking diversity jurisdiction as the basis for the court's subject-matter jurisdiction, to file an amended complaint which supplies the missing jurisdictional information regarding defendants, SP Lawton SNF Ops, LLC, Stonegate Senior Living, LLC, and Sanctuary LTC, LLC. The court advised that failure to comply with the court's directive may result in an order which is just, including the dismissal of plaintiff's complaint and action without prejudice, without further notice to plaintiff. In particular, as relevant here, the order stated as follows:

The amended complaint shall be filed no later than fourteen days from the date of this order. The missing jurisdictional information may be alleged based upon plaintiff's information and belief. If the citizenship information required by this order is not available to plaintiff, even to the extent necessary to support pleading on information and belief, then plaintiff may file a motion for leave to engage in jurisdictional discovery within 14 days of the date of this order.

Plaintiff has not complied with the court's March 7th order. No amended complaint has been filed and no motion for leave to engage in jurisdictional discovery has been filed. Because plaintiff has not complied with the court's order, the court finds that plaintiff's complaint and action should be dismissed without prejudice pursuant to Rule 41(b), Fed. R. Civ. P. *See, Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003) (Rule 41(b) "permit[s] courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders.").

Accordingly, the complaint and action of plaintiff Augustus Garlick is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b), Fed. R. Civ. P. A separate judgment will be entered.

DATED this 22nd day of March, 2023.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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